

1-1 By: Ellis S.B. No. 248  
1-2 (In the Senate - Filed January 19, 2007; January 30, 2007,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; February 19, 2007, reported favorably by the  
1-5 following vote: Yeas 6, Nays 0; February 19, 2007, sent to  
1-6 printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to a motor vehicle passing a bicyclist; providing  
1-10 penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 545, Transportation Code,  
1-13 is amended by adding Section 545.0535 to read as follows:

1-14 Sec. 545.0535. PASSING BICYCLIST ON HIGHWAY OR STREET.

1-15 (a) An operator of a motor vehicle passing a bicyclist operating  
1-16 on a highway or street shall:

1-17 (1) vacate the lane in which the bicyclist is  
1-18 operating when operating on a highway with two or more marked lanes;  
1-19 or

1-20 (2) pass at a safe distance.

1-21 (b) For the purposes of Subsection (a), the operator is  
1-22 presumed to have passed the bicyclist at a distance that was not  
1-23 safe if the distance between the operator's vehicle and the bicycle  
1-24 was less than:

1-25 (1) three feet if the operator's vehicle is a vehicle  
1-26 other than a vehicle described by Subdivision (2); or

1-27 (2) six feet if the operator's vehicle is:

1-28 (A) a truck other than a light truck; or

1-29 (B) a commercial motor vehicle, as defined by  
1-30 Section 522.003.

1-31 (c) A violation of this section is:

1-32 (1) a misdemeanor punishable under Section 542.401;

1-33 (2) a misdemeanor punishable by a fine of \$500 if the  
1-34 violation results in property damage; or

1-35 (3) a Class B misdemeanor if the violation results in  
1-36 bodily injury.

1-37 (d) It is a defense to prosecution under this section that  
1-38 at the time of the offense the bicyclist was not in compliance with  
1-39 Section 551.103 or 551.104(b)(2).

1-40 (e) If conduct constituting an offense under this section  
1-41 also constitutes an offense under another section of this code or  
1-42 the Penal Code, the actor may be prosecuted under either section or  
1-43 under both sections.

1-44 SECTION 2. This Act takes effect September 1, 2007.

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